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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91183324
Party	Defendant Benedict III, Howard M
Correspondence Address	HOWARD M. BENEDICT III 102 SAND POND RD HAMBURG, NJ 07419-9617 watermark@nac.net
Submission	Answer
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Signature	/Howard M. Benedict III/
Date	05/08/2008
Attachments	Opposition # 91183324 ANSWER.pdf (3 pages)(109528 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77219627
Application Status: Opposition # 91183324 Pending
Mark: LIFE IS LOVE

Defendant

Name: Benedict III, Howard M
Correspondence: HOWARD M. BENEDICT III
102 SAND POND RD
HAMBURG, NJ 07419-9617
watermark@nac.net

Plaintiff

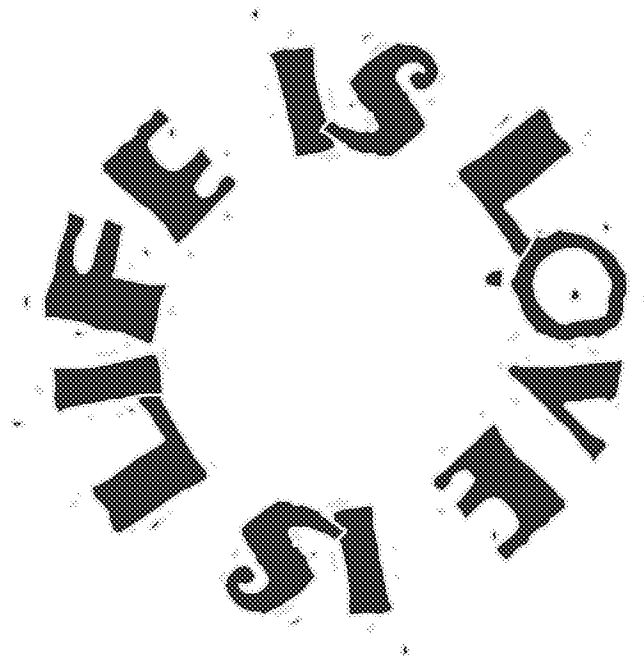
Name: L.I.F.E., LLC
Correspondence: Christine McLeod
BEUSSE WOLTER SANKS MORA & MAIRE PA
390 N ORANGE AVENUE, SUITE 2500
Orlando, FL 32801
cqm@patentorlando.com

Serial #: 78736504 Application File Registration #: 3336578
Application Status: Registered
Mark: L.I.F.E. LOVE IS FOR EVERYONE
Serial #: 78429116 Application File Registration #: 3077644
Application Status: Registered
Mark: L.I.F.E. LOVE IS FOR EVERYONE
Serial #: 78736428 Application File Registration #: 3150059
Application Status: Registered
Mark: L.I.F.E. LOVE IS FOR EVERYONE

ANSWER

The Applicant's goal is to form a 501C.3 non-profit corporation dedicated to a variety of philanthropic causes. *Life is Love* would be used to support those causes.

The acronym *L.I.F.E.* really bears little resemblance to *Life is Love*, and would be very hard to confuse. Furthermore, our insignias are completely different: ours is a circle with the words *life is love is*:



The insignia for L.I.F.E., LLC, is a heart over a smile with the wording underneath.



We believe that the marks are *not* confusingly similar. Two of the words, *Life* and *Love* are very common and have long been in the public domain. They are used in many trademarks, individually and together. The sentiments of each mark are different: In one, *life* is an acronym followed by a phrase that also includes the words, *is for everyone*; in the other, *life is love* makes up the whole phrase.

The Opposer's argument #6, that their goods will be confused with the Applicant's because they are nearly identical to the Applicant's, is much like saying Ralph Lauren's Polo shirts would be confused with Lacoste shirts because they both have an embroidered insignia and are sold through the same channels of trade and to the same class of purchasers.

We respectfully request that the application to register the mark LIFE IS LOVE be granted, and that in all fairness the two marks be permitted to co-exist.

Dated: May 7, 2008

Respectfully submitted,

/Howard M. Benedict III/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was mailed to Opposer on May 8, 2008, by first class mail, postage prepaid, at the following address:

Christine Q. McLoed
Breusse Wolter Sanks Mora & Maire, P.A.
390 N. Orange Avenue, Suite 2500
Orlando, FL 32801

I also certify that a copy of the foregoing document was emailed to Christine Q. McLoed at cqm@patentorlando.com on May 8, 2008